

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANGEL O. GUITIERREZ-HUERTA,

Plaintiff,

vs.

MARY LANNING HOSPITAL,
CHILDREN'S HOSPITAL, DR.
SUZANNE HANEY, DR. DANIEL
LEONARD, DR. BENJAMIN FAGE,
HASTINGS POLICE DEPT., SGT.
PAUL WEBER, KYLE WOODWORTH,
Officer; BYRON GATES, Officer; DET.
DANA DRAMSE, NEIL MILLER,
Buffalo County Sheriff; LT. CHAD
HUNT, Buffalo County Jail; ADAMS
COUNTY JAIL ADMINISTRATOR, and
MAGEE, Former Adams County Sheriff;

Defendants.

8:19CV321

ORDER

This matter is before the court for initial review of Plaintiff's Complaint (Filing 1) to determine whether summary dismissal is appropriate under 28 U.S.C. §§ 1915(e) and 1915A. At the time Plaintiff filed this lawsuit, he was a pretrial detainee in the Buffalo County Jail. According to court records from the District Court of Adams County, Nebraska, and the Nebraska Department of Correctional Services¹, it appears that Plaintiff is no longer residing in the Buffalo County Jail, but Plaintiff has not advised this court of his whereabouts.

¹ This court is entitled to take judicial notice of public records. *Levy v. Ohl*, 477 F.3d 988, 991 (8th Cir. 2007) (court may take judicial notice of public records); *Stutzka v. McCarville*, 420 F.3d 757, 761 n.2 (8th Cir. 2005) (court "may take judicial notice of judicial opinions and public records"). In Nebraska, court records are public records. Neb. Op. Att'y Gen. No. 97055, 1997 WL 643407, at *3 (Oct.

Plaintiff has an obligation to keep the court informed of his current address at all times. *See* NEGenR 1.3(e) and (g) (requiring pro se parties to adhere to local rules and inform the court of address changes within 30 days). This case cannot be prosecuted in this court if Plaintiff's whereabouts remain unknown.

IT IS THEREFORE ORDERED:

1. Plaintiff shall have 20 days from the date of this Memorandum and Order to apprise the court of his current address, in the absence of which this matter will be dismissed without prejudice and without further notice.

2. The Clerk of the Court is directed to set a pro se case management deadline in this case using the following text: May 12, 2020—deadline for informing court of address.

Dated this 22nd day of April, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge

16, 1997) (“records of the court . . . are subject to the Public Records Statutes”); Neb. Rev. Stat. § 84-712.01(1) (Westlaw 2020) (defining public records as “all records and documents . . . belonging to this state . . . or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing”); Neb. Ct. R. § 1-809(A) (Westlaw 2020) (“Electronic court records and information accessed at courthouse public access terminals will be available for public access in the courthouse during regular office hours.”).